

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Mark Thomas Szczerbiak**

**Docket No. 5:21-CR-163-1M**

**Petition for Action on Probation**

COMES NOW Dewayne L. Smith, Supervising U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Mark Thomas Szczerbiak, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute 500 Grams or More of a Mixture and Substance Containing Methamphetamine, in violation of 21 U.S.C. § 846 and 21 U.S.C. § 841(b)(1)(A); and Possession With Intent to Distribute a Quantity of a Mixture and Substance Containing Methamphetamine and a Quantity of Heroin, in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(C), was sentenced by the Honorable Richard E. Myers II, Chief United States District Judge, on June 29, 2022, to the custody of the Bureau of Prisons for a term of 78 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS:**

The defendant is currently in the Bureau of Prisons and due to be released on August 28, 2026. The U.S. Probation Office in the Western District of New York (WDNY) has investigated and approved a release plan in their district. Prior to accepting the case for supervision, the WDNY is requesting to add their warrantless search, drug aftercare, and mental health conditions as indicated below. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall participate as directed in a program for substance abuse, including substance abuse testing such as urinalysis and other testing, and shall undergo a drug/alcohol evaluation and treatment if substance abuse is indicated by testing. The probation officer will supervise the details of any testing and treatment, including the selection of a treatment provider and schedule. If in-patient treatment is recommended, however, it must be approved by the court unless the defendant consents. The defendant is not to leave treatment until completion or as ordered by the court. While in treatment and after discharge from treatment, the defendant is to abstain from the use of alcohol. The defendant is required to contribute to the cost of services rendered.
2. The defendant shall submit to a search of his person, property, vehicle, place of residence or any other property under his control, based upon reasonable suspicion, and permit confiscation of any evidence or contraband discovered.
3. The defendant is to participate in a mental health treatment program, including a mental health evaluation and any treatment recommended. The probation officer will supervise the details of any testing and treatment, including the selection of a provider and schedule. If in-patient treatment is recommended, however, it must be approved by the court unless the defendant consents. The defendant is not to leave treatment until completion or as ordered by the court. While in treatment or taking psychotropic medication, the defendant shall abstain from alcohol. The defendant is required to contribute to the cost of services rendered.

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Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Dewayne L. Smith  
Dewayne L. Smith  
Supervising U.S. Probation Officer  
150 Reade Circle  
Greenville, NC 27858-1137  
Phone: 252-830-2338  
Executed On: May 29, 2025

**ORDER OF THE COURT**

Considered and ordered this 30<sup>th</sup> day of May, 2025, and ordered filed and  
made a part of the records in the above case.

Richard E. Myers II  
Richard E. Myers II  
Chief United States District Judge